

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOSHUA RYAN DAIBONNE,

Plaintiff,

v.

STATE OF LOUISIANA,

Defendant.

Case No. 18-cv-12739

HON. MARK A. GOLDSMITH

ORDER TRANSFERRING CASE TO WESTERN DISTRICT OF LOUISIANA

Plaintiff Joshua Ryan Daibonne brought this action against the State of Louisiana, alleging violations of freedom of expression, oath of office, right to a fair trial, and the Eighth Amendment, as well as a charge of defamation. He claims that the action arises from his false arrest in Beauregard Parish, Louisiana, where he is currently incarcerated.

Venue is not proper in this judicial district because Defendant does not reside in this state and none of the events or omissions giving rise to the claim occurred in this state. See 28 U.S.C. § 1391(b). “The district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.” 28 U.S.C. § 1406(a).¹ Beauregard Parish, Louisiana is in the Western District of Louisiana. Accordingly, the Court transfers this action to the United States District Court for the Western District of Louisiana.

SO ORDERED.

Dated: September 26, 2018
Detroit, Michigan

s/Mark A. Goldsmith
MARK A. GOLDSMITH
United States District Judge

¹ Although no motion for transfer of venue has been filed, the Sixth Circuit has determined that § 1406 grants a federal court the power to transfer cases sua sponte. See Flynn v. Greg Anthony Construction Co., Inc., 95 F. App’x 726, 738 (6th Cir. 2003) (explaining that “Congress has enacted a number of statutes that give federal courts the power to transfer cases sua sponte,” including 28 U.S.C. § 1406).

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on September 26, 2018.

s/Karri Sandusky
Case Manager